

City of San José
Coyote Valley Specific Plan

Summary of Task Force Meeting
October 15, 2007
City Hall, Committee Rooms W118-120

Task Force Members Present

Co-Chair Councilmember Forrest Williams, Co-Chair Councilmember Nancy Pyle, Supervisor Don Gage, Chuck Butters, Eric Carruthers, Helen Chapman, Russ Danielson, Craige Edgerton, Dan Hancock, Melissa Hippard, Doreen Morgan, Chris Platten, Ken Saso, Steve Schott, Jr., Steve Speno, and Neil Struthers.

Task Force Members Absent

Pat Dando, Phaedra Ellis-Lamkins, and Gladwyn D'Sousa.

Technical Advisory Committee (TAC) Members Present

Shanna Boigon (SCCAO Realtors), Dawn Cameron (SC County Roads), Mike Griffis (SCC Roads), Libby Lucas (CA Native Plant Society), Sarah Muller (Working Partnerships), Brian Schmidt (Committee for Green Foothills), and Kerry Williams (Coyote Housing Group).

City Staff and Other Public Agencies Present

Anthony Drummond (Council District 2), Lee Wilcox (Council District 10), Jessica Garcia-Kohl (Assistant to the Mayor), Rachael Gibson (Office of Supervisor Don Gage), Dave Mitchell (PRNS), Wayne Chen, (Housing), Laurel Prevetti (PBCE), Sal Yakubu (PBCE), Darryl Boyd, (PBCE), Susan Walsh (PBCE), Jared Hart (PBCE), Stefanie Hom (PBCE), Regina Mancera (PBCE), Perihan Ozdemir (PBCE), Ernest Azevedo (PBCE), and Mary Figone (PBCE).

Consultants Present

Roger Shanks (Dahlin Group), Jim Musbach (EPS), Darin Smith (EPS), Jodi Starbird (David J. Powers), and Bill Wagner (HMH Engineers).

Community Members Present (Additional people were present; however, the names below

only reflect individuals who identified themselves on the sign-up sheet.)

Peter Benson, Tony Burchyns, Roger Costa, Consuelo Crosby, Jo Crosby, Danielle DeSmet, Robert Eltgroth, Leila Forouhi, Virginia Holtz, Jack Kuzia, Rick Linqvist, Patrick Langtry, Mark Anthony Mederios, Jack Nadeau, Ash Pirayou, George Reilly, Chrisy Ramoneda, Peter Rothschild, Annie Saso, Pete Silva, Marley Spilman, Jesse Votaw, Don Weden, and Kim Weden.

1. Welcome

The meeting convened at approximately 5:35 p.m. with Co-Chairs Councilmember Forrest Williams welcoming everyone to the Coyote Valley Specific Plan (CVSP) Task Force meeting.

2. Acceptance of September 10, 2007 Task Force Meeting Summary

Co-chair Councilmember Forrest Williams called for a motion to accept the September 10, 2007 Task Force Meeting Summary. The motion passed unanimously.

3. Draft EIR Update (previously Agenda Item #4)

Laurel Prevetti, Assistant Director of the City of Planning, Building and Code Enforcement, summarized the tentative Draft EIR schedule, and indicated what issues and additional analysis staff would be working on in the upcoming months.

An informational memo to Mayor Chuck Reed regarding work on the EIR will be forthcoming. The re-circulated Draft EIR would focus on the following: 1) ensure the EIR is legally defensible; 2) handle additional analysis at a cost efficient manner; and 3) provide reasonable analysis. Staff would only study issues that require further analysis. Staff has also been in communication with people who have provided comments, including the Attorney General, private stakeholders, regional agencies and surrounding cities. Given the magnitude of work required, the second Draft EIR is expected to be available Fall 2008. During that time, the Draft EIR would go through legal review, and then be released for public in the late summer/fall. The CVSP process is expected to end in Spring 2009.

The Task Force provided the following comments and questions:

- Does the EIR drive the phasing? Why are we doing phasing before the EIR is finalized? *Laurel indicated that a lot of stakeholders are interested in how mitigation is going to happen over time and phasing addresses that issue. Staff cannot complete the EIR unless they know how the Plan would be implemented.*
- Need to consider how existing entitlements would impact CVSP. The EIR would need to analyze that issue, as well as the legal implications.

- Are there other existing entitlements in Coyote Valley in addition to CVRP? *Yes. Sal Yakubu, Principal Planner with the Department of Planning, Building and Code Enforcement, indicated IBM has a PD zoning, and some other properties have existing zonings in North Coyote Valley.*
- Want to get clarification on timing of the EIR. *Darryl Boyd, Principal Planner with the Department of Planning, Building and Code Enforcement, indicated that Staff estimates the EIR would be released in Fall 2008, after additional technical analysis, and then certified in Spring 2009, after there-circulation and public period.*
- Need to define what work needs to be done. Do not want to spend time doing extra work. Want to have more than just attorneys look at the EIR so it will be legally defensible.
- What is the schedule for completing the General Plan Update?
- The CVSP EIR is moving forward. It is independent of General Plan Update.
- Would the General Plan Update process precede the CVSP? *Laurel indicated the two efforts are moving parallel. The intent is to complete the CVSP as soon as possible, and before the General Plan Update. The General Plan Update process just started, and there is a lot to work to do. They will be focusing on bigger picture issues. The CVSP is a chance to create the vision that we want for Coyote Valley.*

4. Discussion (previously Agenda Item #3)

a. CVSP Phasing Approach – Sal Yakubu, Principal Planner with the City of San Jose Planning, Building and Code Enforcement

- On the 2:1 Jobs/Housing Concurrency slide in the PowerPoint presentation, what does the blue 5,000 and the 20,000 jobs under the 20,000 jobs column indicate? *Sal indicated that the Task Force indicated they would like big phases of growth, so the phasing concept addresses that. But the General Plan trigger requiring 5,000 jobs before housing remains. In Phase I it is possible to grow jobs and housing at the same time. Achieving 20,000 jobs and 10,000 dwelling units are possible even with smaller increments. This phase would span over several years.*

b. Updated Preliminary Cost Estimates for Infrastructure and other Area-wide Costs – Bill Wagner, HMM

- What happened to the proposed ballfields in Laguna Seca? *Sal indicated the ballfields have been moved to Greenbelt.*
- The PowerPoint indicates a difference in park acreage ratios. One area indicates parks would be created at a ratio of 3.5 acres per 1,000 people, and another are indicates the ratio is 3.0 acres per 1,000. *Bill indicated the correct ratio for parks is 3.5 acres per 1,000 people.*
- Construction costs for community centers are outpacing inflation. Are the numbers accurate? *Bill indicated the numbers were provided by the Department of Parks, Recreation and Neighborhood Services (PRNS).*

- Is the Coyote Valley Research Park (CVRP) credit indicated in the development agreement? *Bill indicated that he believed it was in the agreement and most of the credit would benefit flood control in the first phase, and would be allocated to the first phase.*
- The Task Force has not made a decision on the location of the corporation yard and the number of high schools. Have those amenities been factored into the phasing plan? *Bill indicated the phasing plan allocates \$5 million for a corporation yard. The school calculations are based on two high schools.*
- For public facilities, \$1,000 per square foot is a big number. Is that conservative? *Bill indicated that is the number provided by the City's Department of Parks Recreation and Neighborhood Services (PRNS).*
- Is there a method to double-check the numbers? *Sal indicated numbers are verified by the City Working Group, which includes staff from different City departments.*
- Should double check numbers with outside review.
- The numbers are not close to what is going to be required. The numbers for serpentine soils are about half of what the current price is. As more serpentine soils are used and mitigated, the price will go up; it is a matter of supply and demand. *Bill indicated they worked with available resources, such as the VTA. Staff looked at numbers the VTA used for similar projects, and used higher numbers for the CVSP.*
- What happens when mitigation becomes more expensive than what would be provided in the Plan? Would the Plan still be responsible for mitigation, regardless of cost? *Bill indicated if it is required in the EIR, the plan will still be responsible for mitigation.*
- Is there an obligation to provide mitigation, regardless of cost? *Yes.*
- What is the total cost for agricultural mitigation and for the Greenbelt? *Bill indicated staff used \$10,000/acre for agricultural conservation easements for mitigation, and \$15,000/acre for actual land acquisition. There is a separate figure for Greenbelt mitigation.*
- Would there be \$15 million for the Greenbelt preservation and some additional amount for agricultural? *Yes, Bill indicated it would be \$24 million for agricultural.*
- The actual cost per acre would be higher than what is presented.
- The summary of backbone infrastructure costs indicates the cost for DEIR mitigation measures is \$39 million, which also includes wetlands. *Bill indicated that number includes wetlands, riparian corridor, agricultural land, and serpentine soils mitigation. Other mitigation, such as traffic, is included in circulation costs.*
- Numbers are preliminary and not absolute yet. There would be more analysis before there is a final number. Any estimate would be assessed and appraised.
- Concerned about projected mitigation costs. It is difficult to do costs estimates when the EIR has not been certified yet. Costs would be going up in the next 40 years. There may be a shortage of agricultural land for mitigation at the time it is needed.
- Is Laguna Seca going to be used just for detention basins? *Yes. Bill indicated that the Santa Clara County Water District intends to use the land for detention basins.*
- What time assumptions are built into the analysis?
- When would construction begin on Phase I? *The timing is hard to predict because it depends on many things, including the economy.*
- Are capital infrastructure costs for public utilities based on current assumptions or different assumptions? Current operating, or projected? *Bill indicated that some numbers, such as*

police and fire, were obtained from City Staff last year. All other costs are based on current costs, and do not include any projected inflation.

- What are the most significant variables that would affect costs? *Bill indicated Staff used different contingency factors, such as freeway interchange design at early stages. Staff has not talked with Caltrans. Those elements have a 25% contingency. Some other elements, including in-valley roads, have a lesser contingency.*
- The phasing requirement is not going to be articulated in dollars, but in terms of required infrastructure work. *Bill indicated that most of the infrastructure would be implemented by developers and builders. The backbone infrastructure would contribute to their fair share. Some other elements, such as grade separations, would be built by other agencies.*
- The cost estimates are preliminary to give big picture. But when the day comes to do mitigation, we are going to need to calculate the numbers again.
- What is accounted for in the schools and parks number? Does it include construction costs or land? *Bill indicated the parks number does not include land dedication, only improvement costs to park facilities. The land is assumed to be dedicated as part of the public realm. The schools number includes the net cost of construction after subsidies.*
- The Santa Clara County Local Agency Formation Commission's (LAFCO) agricultural mitigation policy includes the option of an "in-lieu fee" where the developer would pay a fee to cover the cost of mitigation. Then it would be up to another entity to find land for mitigation. But when prices of mitigation lands increase in the future, the in-lieu fees may not cover the cost of mitigation.
- These numbers are good for where we are. Nice to see basic needs. Staff has done a terrific job of doing what we asked them to do.
- It is easy to pay in in-lieu fees for parks. But as time goes on, land needed for parks would decrease. The current numbers would not be enough to pay for parks in the future. Need a Mello-Roos. Should base park fees on raw land values, not development values.
- Should dedicate the land in advance. *Bill indicated that is one of the premises for the Plan. As the Plan goes forward, Staff would analyze all properties and identify what is needed. It would not be equal for each property, but there would be a balancing mechanism. The land for parks would be dedicated.*
- There is an ongoing drought in California. There is going to be less available water over time. How are other constraints being accommodated? *Bill indicated the Plan has contingencies built into all items to deal with changes, regulatory approvals, and unanticipated conditions.*
- Are the contingencies identified in the document? *Bill indicated staff has built in 15% into each estimate.*
- Cannot buy more of what is not there, such as water.
- Problems would be recognized as the Plan moves forward. Need to look at the Plan realistically and see what needs to be done.
- There is a lot going in the first phase. If we cannot pay for everything at the time of implementation, would like to see more overt pragmatism.
- Commend staff on doing a good job analyzing a complicated subject. Work is consistent with a lot of objectives.
- The Plan needs to be financially feasible. Phase I includes a lot of place-making infrastructure beyond what is physically required. Both the lake and Laguna Seca provides

flood capacity for the entire Plan. Make sure policies of implementation match the boldness of plan. For purposes of the EIR, Staff and consultants need to determine the sufficiency of phasing. Need to consider increments of development that makes sense. Need to efficiently make use of existing infrastructure to get place-making features.

- Seeing how the phasing is laid out is a good approach.
- Staff has presented a good evaluation of what we need to do. Need to see the numbers and see what it is going to take to get plan moving. People need to realize this is a good plan and it can be an asset to the City.
- The Task Force is not supposed to address the Greenbelt. The Greenbelt was already designated as an agricultural preserve before this Task Force was formed. Money is seed money, not money to purchase land. *Sal clarified that there would be \$15 million designated for Greenbelt preservation. Other funds would go toward agricultural mitigation, which is not related to the Greenbelt. However, proceeds from agricultural mitigation could go towards Greenbelt preservation.*
- The Greenbelt could be purchased from surrounding cities and Santa Clara County.
- Have done plans like this in the City before. For the Evergreen Specific Plan, everything the Plan committed to was built. It is proven that it can work. Convinced the CVSP would be built as the Task Force envisions.

c. Residential/Non-Residential Cost Allocations – Darin Smith, EPS

- The CVSP Approach to Phasing Development memo says affordable housing would be phased. That is not accurate.
- In setting up overall liens on properties, is it possible to set up a credit system so subsequent phases would equalize burden? *Yes.*
- The CVSP Approach to Phasing Development summary was well done.
- Recommended that staff analyze concurrent jobs/housing development in Phase I in the EIR. In the future, Staff would be able to make the Plan more flexible so the EIR would not need to be amended.
- A concurrent strategy would allow housing to be built at the same time as jobs. Limiting flexibility is a mistake. The Plan should have flexibility.
- Do not want to do a second EIR. Current policy makers have a different opinion. Including a concurrent jobs/housing strategy would give them flexibility.
- Not in favor of allowing housing to be built before jobs. The City Council is firm on that trigger.
- The inclusion of a concurrent jobs/housing strategy would give policy makers the ability to decide if that is something they are interested in. Should not leave ourselves vulnerable to go back and modify plan.
- The analysis of a concurrent jobs/housing strategy in the EIR would not change anything. It would enable future policymakers to have the flexibility to implement the Plan.
- In each phase, policymakers should have the flexibility to determine how the housing and jobs should be developed in that phase.
- Concurrent jobs/housing could start in the first phase. Policy makers should be given as much flexibility as possible.

- Should get staff input before recommending that staff include a concurrency strategy in the Plan. Do not know what outcome would be. It is good suggestion, but would like more information. Suggested that staff report back next meeting. *Staff will discuss this issue at the next Task Force meeting.*
- Thanked Staff for their work on the Plan. It is still the beginning, and it is going to change. But at least there is a basis. Proud of the Task Force; everyone provided input.
- There is an alternative that includes a phase midway between Phase I and Phase II. So would there be two phases instead of three? *Darin indicated that the Task Force could consider that alternative.*
- How long would the Plan take with three phases? *Darin indicated the working assumption is 1,000 housing units per year. Housing development would take about 25 years. Could build out the first phase of jobs in 25 years, while housing would already be built out.*
- Interested in just the expansion of Phase I. *Staff will discuss this issue at the next Task Force meeting.*

5. Public Comments

- Leila Forouhi, a San Jose State Student, referenced a letter addressed to the Director of Planning, from the U.S. Department of Fish and Game, regarding the HCP/NCCP. How can phasing infrastructure for the CVRP begin before the HCP is completed? Have not heard the Task Force address the HCP/NCCP effort.
- Donna Wallach, representing Justice for Palestinians, indicated that Coyote Valley is already a unique place. The Plan would be killing innocent animals; there is already a community living in Coyote Valley. Humans do not have the right to destroy the land. Where would the water for the artificial lake come from? The Indians have not given permission to develop on their site. The Plan should stop.
- Brian Schmidt, representing Committee for Green Foothills, indicated that the Plan should wait until the General Plan Update process is finished, since that process is going to decide phasing for Coyote Valley. Does not see a point in going forward with the CVSP and EIR. Staff needs to convene the CVSP Technical Advisory Committee (TAC). Those are people that can verify the cost estimates. Cost estimates form a cap for mitigation. The EIR could make overriding assumptions and create problems. Submitted a letter to the Task Force that is included in the meeting packet.
- Mark Anthony Mederios, representing "Save Coyote Valley", believes the Plan would cost taxpayers money. Money should be going to infill development. The U.S. Department of Fish and Game submitted letters indicating that the CVSP would interfere with the wildlife corridor. If the Plan is not addressing the wildlife corridor, then it is not fulfilling its obligations. Do not need to have place-making infrastructure; Coyote Valley is already a place. Coyote Valley is the last farmland in San Jose and should be preserved.
- Consuelo Crosby, a property owner in the Coyote Greenbelt, would like to know how the implementation of the Greenbelt is going to be phased. The proposed phasing indicates there would be impacts on the Greenbelt. She feels frustrated coming to the meetings, and feels her comments have no impact on the Plan. Hopes future processes are better.

- Jo Crosby, a property owner in the Coyote Greenbelt, indicated that the costs estimates presented tonight are low. The Plan would require 13-miles of sewer lines for 80,000 people in Valley. There would need to be 15-miles of sewer lines built in the Greenbelt. It is 14-miles from Coyote Valley to the sewage treatment plant. The lines would be built in raw land and developed land. The extension of sewer lines would cost taxpayers about 60 – 70 million dollars.
- Jack Nadeau, representing the Greenbelt Alliance, Committee for Green Foothills, and the Sierra Club, is a San Jose native and has seen a lot of growth in the City. Development is going too far. A world class city like San Jose deserves a world class park. Coyote Valley provides an opportunity to be a park. San Jose used to be a small town, but now most of the land is paved. Need to preserve remaining open space. The Plan should be put on hold.
- Mark Anthony Mederios, representing “Save Coyote Valley”, attended the General Plan Update workshop and disagrees that there are larger issues in San Jose than preserving Coyote Valley. Most of people in attendance at the workshop were concerned about global warming and green development. The CVSP is not in the best interest of the public.

6. Adjourn

Co-chair Councilmember Forrest Williams thanked everyone for coming to the Task Force meeting.

He adjourned the meeting at approximately 7:55 p.m.

The next Task Force meeting will take place on December 10, 2007, from 5:30 to 8:30 p.m.